

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

COMBS-HARRIS, REGINALD and
COMBS-HARRIS, JARROD

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DAVID S. DESSEN, ESQUIRE, 600 Eastin Road
Willow Grove, PA 19090; 215 496-2902

DEFENDANTS

CARVANA LLC

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C 1981 and 42 U.S.C 1982

Brief description of cause:

Defendant failed to honor contract because Plaintiffs are African-American

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

Less than \$150,000

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

12/5/22

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

REGINALD COMBS-HARRIS AND
JARROD COMBS-HARRIS
5405 Chichester Avenue
Upper Chichester, PA 19014,
Plaintiffs

vs.

No.

CARVANA. LLC
1930 W. Rio Salado Parkway
Tempe, AZ 85281,
Defendant

COMPLAINT

PARTIES

1. REGINALD COMBS-HARRIS and JARROD COMBS-HARRIS (hereinafter referred to as “Reginald”, “Jarrod” and collectively as “Combis Harris”) are adult individuals residing at 5504 Chichester Avenue, Upper Chichester, Delaware County, PA 19014.

2. Reginald Combs-Harris and Jarrod Combs-Harris are African-Americans.

3. CARVANA. LLC (hereinafter referred to as “Carvana”) is a limited liability company organized and existing under the laws of the State of Arizona with a principal address of 1930 W. Rio Salado Parkway, Tempe, AZ 85281.

4. Carvana, among other things, sells used cars over the Internet.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over Combs-Harris claim for

violation of 42 U.S.C §§ 1981 and 1982 pursuant to 28 U.S.C. § 1331 and § 1343 as a claim arising under the laws of the United States.

6. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(2) in that a substantial part of the events giving rise to this claim occurred in the Eastern District of Pennsylvania.

7. A trial by jury is demanded.

FACTS

8. Carvana operates an Internet website from which it markets and sells used automobiles throughout the United States.

9. In addition, Carvana operates a fleet of trucks to deliver a car purchased through its Internet website to the buyer.

10. On or about October 15, 2022, Combs-Harris purchased from Carvana a 2016 BMW Seven Series automobile (hereinafter referred to as the “BMW”) to be delivered to them by Carvana later that day.

11. During the afternoon of October 15th, Combs-Harris received a text message from an agent, servant workman and/or employee of Carvana, acting in the course and scope of her employment, who identified herself as “Shayla.”

12. In the text message, Shayla related, among other things:

- a. That she was from Carvana and would be delivering the BMW to Combs-Harris;
- b. That both Reginald and Jarrod should take “selfies” holding their drivers’ licenses and text the pictures to Shayla and
- c. That in addition to the selfies, Combs-Harris should separately text

pictures of the front and back of their drivers' licenses and proof of insurance for the BMW.

13. As the result of a text from Combs-Harris complaining about Shayla's requests, Shayla called Combs-Harris.

14. During the telephone call, Shayla advised Combs-Harris that if they did not comply with her demands, she would not deliver the BMW to them.

15. Combs-Harris complied with Shayla's demands and sent to Shayla's personal cell phone a total of eight (8) photographs depicting themselves, the front and back of their drivers' licenses and proof of insurance for the BMW.

16. Shortly after sending the photographs to Shayla, Combs-Harris received their final text message from Shayla.

17. Shayla's last text stated in relevant part:

I apologize Jarrod for the inconvenience of today. We're going to have to get your [sic] reschedule [sic] for today's delivery. Please reach out to Customer support (800-333-4554) for further assistance.

18. When Combs-Harris contacted Carvana Customer Support, they were told that Shayla cancelled the delivery because she was uncomfortable.

COUNT I – 42 U.S.C. § 1981

Reginald Combs-Harris and Jarrod Combs-Harris v. Carvana LLC

19. Combs-Harris hereby incorporates paragraphs 1 through 18 as though fully set forth at length.

20. Combs-Harris entered into a contract with Carvana on October 15, 2022 for the delivery of the BMW that day.

21. Shayla, acting in the course and scope of her employment with Carvana, demanded that Combs-Harris send her selfies so she could determine the race of Reginald

and Jarrod.

22. It is believed and therefore averred that Shayla, while acting in the course and scope of her employment with Carvana, refused to deliver the BMW to Combs-Harris because they were African-American males.

23. By refusing to deliver the BMW to Comb-Harris, Carvana refuse to perform the contract in the same manner as it would have for white citizens.

24. By refusing to deliver the BMW to Comb-Harris, Carvana denied Combs-Harris the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship it would have provided to white citizens.

25. As a direct and proximate result of Carvana's illegal actions, Combs-Harris had to pay more for an automobile that is similar to the BMW Carvana refused to deliver to them.

26. As a direct and proximate result of Carvana's illegal actions, Combs-Harris suffered emotional distress and upset from being treated differently than white citizens.

WHEREFORE, Reginald Combs-Harris and Jarrod Combs-Harris pray for judgment in their favor and against Carvana LLC in an amount not in excess of \$150,000.00, attorney's fees and costs.

COUNT II – 42 U.S.C. § 1982
Reginald Combs-Harris and Jarrod Combs-Harris v. Carvana LLC

27. Combs-Harris hereby incorporates paragraphs 1 through 26 as though fully set forth at length.

28. By refusing to deliver the BMW to Comb-Harris, Carvana denied Combs-Harris the right to purchase personal property that is enjoyed by to white citizens.

29. As a direct and proximate result of Carvana's illegal actions, Combs-Harris had to pay more for an automobile that is similar to the BMW Carvana refused to deliver to them.

30. As a direct and proximate result of Carvana's illegal actions, Combs-Harris suffered emotional distress and upset from being treated differently than white citizens.

WHEREFORE, Reginald Combs-Harris and Jarrod Combs-Harris pray for judgment in their favor and against Carvana LLC in an amount not in excess of \$150,000.00, attorney's fees and costs.

DESSEN, MOSES & ROSSITTO

By  _____

DAVID S. DESSEN, ESQUIRE

PA ID. 17627

Attorney for Plaintiffs

600 Easton Road
Willow Grove, PA 19090
(215) 658-1400
ddessen@dms-lawyer.com

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 5405 Chichester Avenue, Upper Chichester, PA 19014
Address of Defendant: 1930 W. Rio Salado Parkway, Tempe, AZ 85281
Place of Accident, Incident or Transaction: 5405 Chister Avenue, Upper Chister, PA 19014

RELATED CASE, IF ANY:


Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 12/05/2022


Must sign here

Attorney-at-Law / Pro Se Plaintiff

17627

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | 1. Indemnity Contract, Marine Contract, and All Other Contracts |
| <input type="checkbox"/> | 2. FELA |
| <input type="checkbox"/> | 3. Jones Act-Personal Injury |
| <input type="checkbox"/> | 4. Antitrust |
| <input type="checkbox"/> | 5. Patent |
| <input type="checkbox"/> | 6. Labor-Management Relations |
| <input checked="" type="checkbox"/> | 7. Civil Rights |
| <input type="checkbox"/> | 8. Habeas Corpus |
| <input type="checkbox"/> | 9. Securities Act(s) Cases |
| <input type="checkbox"/> | 10. Social Security Review Cases |
| <input type="checkbox"/> | 11. All other Federal Question Cases |

(Please specify): _____

B. Diversity Jurisdiction Cases:

- | | |
|--------------------------|--|
| <input type="checkbox"/> | 1. Insurance Contract and Other Contracts |
| <input type="checkbox"/> | 2. Airplane Personal Injury |
| <input type="checkbox"/> | 3. Assault, Defamation |
| <input type="checkbox"/> | 4. Marine Personal Injury |
| <input type="checkbox"/> | 5. Motor Vehicle Personal Injury |
| <input type="checkbox"/> | 6. Other Personal Injury (Please specify): _____ |
| <input type="checkbox"/> | 7. Products Liability |
| <input type="checkbox"/> | 8. Products Liability – Asbestos |
| <input type="checkbox"/> | 9. All other Diversity Cases |

(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: _____ Sign here if applicable

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.